

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation
Against:

MARLEICE HYDE

Registered Nurse License No. 590610

Respondent

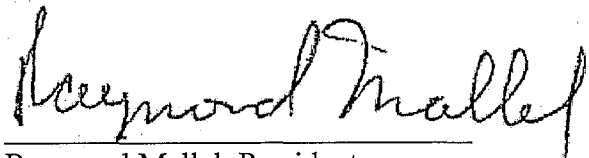
Case No. 2012-245
OAH No. 2011110967

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **August 30, 2012..**

IT IS SO ORDERED **July 31, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

ORIGINAL

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation
Against:
MARLEICE HYDE
3268 Groveland Way
Antelope, CA 95843

Case No. 2012-245

OAH No. 2011110967

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Registered Nurse License No. 590610
Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
entitled proceedings that the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Interim Executive Officer of the
Board of Registered Nursing ("Board"), Department of Consumer Affairs. She brought this
action solely in her official capacity and is represented in this matter by Kamala D. Harris,
Attorney General of the State of California, by Leslie A. Burgermyer, Deputy Attorney General.

2. Respondent MarLeice Hyde ("Respondent") is represented in this proceeding by
attorney David Garcia, Esq., whose address is: David Garcia, Esq., Goyette & Associates, Inc.,
2366 Gold Meadow Way, Suite 200, Gold River, CA 95670.

3. On or about October 31, 2001, the Board issued Registered Nurse License Number 590610 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-245 and will expire on June 30, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-245 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 21, 2011. On March 13, 2012, the First Amended Accusation was filed before the Board. The First Amended Accusation and all statutorily required documents were properly served on Respondent and is currently pending against Respondent. The First Amended Accusation superseded the original Accusation. Respondent timely filed her Notice of Defense contesting the Accusation and that same defense applies to the First Amended Accusation.

5. A copy of the First Amended Accusation No. 2012-245 is attached hereto, marked Exhibit A, and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 2012-245. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

1 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
2 every right set forth above.

3 **CULPABILITY**

4 9. Respondent admits the truth of each and every charge and allegation in First
5 Amended Accusation No. 2012-245.

6 10. Respondent agrees that her Registered Nurse License is subject to discipline and she
7 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

8 **CONTINGENCY**

9 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board may
11 communicate directly with the Board regarding this stipulation and settlement, without notice to
12 or participation by Respondent or her counsel. By signing the stipulation, Respondent
13 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation
14 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
15 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
16 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
17 and the Board shall not be disqualified from further action by having considered this matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
19 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
20 effect as the originals.

21 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
26 writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 590610 issued to Respondent MarLeice Hyde ("Respondent") is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within forty-five (45) days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than fifteen (15) days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension. Upon successful completion of probation, Respondent's license shall be fully restored.

1 3. **Report in Person.** Respondent, during the period of probation, shall appear in
2 person at interviews/meetings as directed by the Board or its designated representatives.

3 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
4 practice as a registered nurse outside of California shall not apply toward a reduction of this
5 probation time period. Respondent's probation is tolled, if and when she resides outside of
6 California. Respondent must provide written notice to the Board within fifteen (15) days of any
7 change of residency or practice outside the state, and within thirty (30) days prior to re-
8 establishing residency or returning to practice in this state.

9 Respondent shall provide a list of all states and territories where she has ever been licensed
10 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
11 information regarding the status of each license and any changes in such license status during the
12 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
13 license during the term of probation.

14 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
15 or cause to be submitted such written reports/declarations and verification of actions under
16 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
17 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
18 Respondent shall immediately execute all release of information forms as may be required by the
19 Board or its representatives.

20 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
21 state and territory in which she has a registered nurse license.

22 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
23 engage in the practice of registered nursing in California for a minimum of twenty-four (24)
24 hours per week for six (6) consecutive months or as determined by the Board.

25 For purposes of compliance with the section, "engage in the practice of registered nursing"
26 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
27 non-direct patient care position that requires licensure as a registered nurse.

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The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one (1) year without further hearing in order to comply with this condition. During the one (1) year extension, all original conditions of probation shall apply.

7. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. **Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

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Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

a. Maximum: The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

b. Moderate: The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half of the hours that Respondent works.

c. Minimum: The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

d. Home Health Care: If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

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Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of forty (40) hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Complete a Nursing Course(s). Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six (6) months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. Cost Recovery. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$3,000.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. Violation of Probation. If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare

1 an accusation or petition to revoke probation against Respondent's license, the probationary
2 period shall automatically be extended and shall not expire until the accusation or petition has
3 been acted upon by the Board.

4 **13. License Surrender.** During Respondent's term of probation, if she ceases practicing
5 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
6 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
7 Respondent's request and to exercise its discretion whether to grant the request, or to take any
8 other action deemed appropriate and reasonable under the circumstances, without further hearing.
9 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
10 subject to the conditions of probation.

11 Surrender of Respondent's license shall be considered a disciplinary action and shall
12 become a part of Respondent's license history with the Board. A registered nurse whose license
13 has been surrendered may petition the Board for reinstatement no sooner than the following
14 minimum periods from the effective date of the disciplinary decision:

15 a. Two (2) years for reinstatement of a license that was surrendered for any reason
16 other than a mental or physical illness; or

17 b. One (1) year for a license surrendered for a mental or physical illness.

18 **14. Mental Health Examination.** Respondent shall, within forty-five (45) days of the
19 effective date of this Decision, have a mental health examination including psychological testing
20 as appropriate to determine her capability to perform the duties of a registered nurse. The
21 examination will be performed by a psychiatrist, psychologist or other licensed mental health
22 practitioner approved by the Board. The examining mental health practitioner will submit a
23 written report of that assessment and recommendations to the Board. All costs are the
24 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
25 result of the mental health examination will be instituted and followed by Respondent.

26 If Respondent is determined to be unable to practice safely as a registered nurse, the
27 licensed mental health care practitioner making this determination shall immediately notify the
28 Board and Respondent by telephone; and the Board shall request that the Attorney General's

1 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
2 practice and may not resume practice until notified by the Board. During this period of
3 suspension, Respondent shall not engage in any practice for which a license issued by the Board
4 is required, until the Board has notified Respondent that a mental health determination permits
5 Respondent to resume practice. This period of suspension will not apply to the reduction of this
6 probationary time period.

7 If Respondent fails to have the above assessment submitted to the Board within the forty-
8 five (45) day requirement, Respondent shall immediately cease practice and shall not resume
9 practice until notified by the Board. This period of suspension will not apply to the reduction of
10 this probationary time period. The Board may waive or postpone this suspension only if
11 significant, documented evidence of mitigation is provided. Such evidence must establish good
12 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
13 provided. Only one such waiver or extension may be permitted.

14 15. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in
15 an on-going counseling program until such time as the Board releases her from this requirement
16 and only upon the recommendation of the counselor. Written progress reports from the counselor
17 will be required at various intervals.

18 ACCEPTANCE

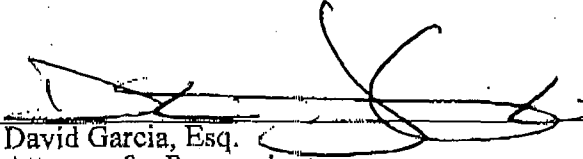
19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, David Garcia, Esq. . I understand the stipulation and the effect it
21 will have on my Registered Nurse License. I enter into this Stipulated Settlement and
22 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
23 Decision and Order of the Board of Registered Nursing.

24
25 DATED: 5/16/12

26 
MARLICE HYDE
Respondent

1 I have read and fully discussed with Respondent MarLeice Hyde the terms and conditions
2 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
3 its form and content.

4 DATED: 5/17/12


David Garcia, Esq.
Attorney for Respondent

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7 **ENDORSEMENT**

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
10 Affairs.

11 Dated:

Respectfully submitted,

12
13 KAMALA D. HARRIS
Attorney General of California
14 ARTHUR D. TAGGART
Supervising Deputy Attorney General

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16 LESLIE A. BURGERMYER
17 Deputy Attorney General
Attorneys for Complainant
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1 I have read and fully discussed with Respondent MarLeice Hyde the terms and conditions
2 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
3 its form and content.

4 DATED: _____

David Garcia, Esq.
Attorney for Respondent

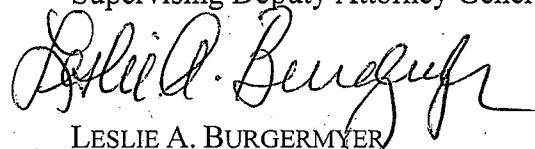
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7 **ENDORSEMENT**

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
10 Affairs.

11 Dated: 5-21-2012

Respectfully submitted,

13 KAMALA D. HARRIS
Attorney General of California
14 ARTHUR D. TAGGART
Supervising Deputy Attorney General

15 

16 LESLIE A. BURGERMYER
17 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 2012-245

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
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5 Sacramento, CA 95814
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Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
Against:

Case No. 2012-245

12 **MARLEICE HYDE**
13 3268 Groveland Way
14 Antelope, CA 95843

FIRST AMENDED
ACCUSATION

15 Registered Nurse License No. 590610

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant"), brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs ("Board").

23 2. On or about October 31, 2001, the Board issued Registered Nurse License Number
24 590610 to Marleice Hyde ("Respondent"). The Registered Nurse License was in full force and
25 effect at all times relevant to the charges brought in this First Amended Accusation and will
26 expire on June 30, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

8. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)

10. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about July 5, 2007, in a disciplinary action before the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Utah Division"), Case No. DOPL-2007-143, the Utah Division entered a Surrender Stipulation and Order approving and accepting Respondent's stipulated surrender of her license to practice as a Registered Nurse in the State of Utah.

11. The Utah Division's disciplinary action was based upon its findings of fact that on or about March 22, 2007, Respondent was arrested by Salt Lake City police and later charged with one count of sexual solicitation. Undercover police went to Respondent's home under the guise of purchasing a massage from Respondent, and Respondent offered to provide sexual services to the undercover officer. After her arrest, Respondent informed the Division investigator that she was not required to be a licensed massage therapist because she was a licensed registered nurse in

1 the State of Utah, and she was providing massage services pursuant to that license. Respondent
2 elected to voluntarily surrender her Utah registered nurse license. Respondent signed the
3 Surrender Stipulation and Order on or about July 1, 2007.

4 **SECOND CAUSE FOR DISCIPLINE**

5 (Conviction of a Crime)

6 12. Respondent has subjected her registered nurse license to disciplinary action under
7 Code section 2761, subdivision (f), in that on or about November 13, 2007, in the case titled
8 *People v. Marleice Hyde*, Salt Lake City Justice Court, Salt Lake City, Utah, Case Number
9 07CR03315, Respondent was convicted on her plea of guilty to violating Utah Code Ann. § 76-
10 10-1313 [sexual solicitation for a fee], a misdemeanor. Said crime is substantially related to the
11 qualifications, functions, and duties of a registered nurse. The underlying circumstances are as
12 follows:

13 13. On or about unknown dates in 2007, Respondent advertised herself for sexual
14 services on an Internet site known as "craigslist (Erotic Services)" and identified herself as
15 "rmmeeko323." Respondent responded to email contacts by a police officer (working undercover)
16 employed by the Salt Lake Police Department including her March 22, 2007, email stating her
17 sexual services and corresponding fees; a meeting was set at 2300 hours on March 22, 2007.
18 Respondent met the officer at her door and escorted him into her home and eventually into a
19 bedroom. She asked the officer the service he wanted and, after he replied stating the sexual
20 service and a massage, Respondent stated "I can do that." The officer told her he had to retrieve
21 condoms from his vehicle and opened the front door at which time other officers entered
22 Respondent's home and placed her in police custody. Respondent denied advertising on any
23 Internet site or soliciting sex for money and denied having a sexually oriented business license.
24 Respondent was issued a misdemeanor citation for sex solicitation and not having a sexually
25 oriented business license, violations of Utah Code Ann. Sections 76-10-1313 and 5.61.070,
26 respectively.

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THIRD CAUSE FOR DISCIPLINE

(Making or Giving Any False Statement
in Connection with License)

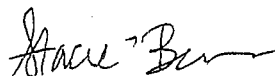
14. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (e), in that Respondent falsely answered "NO" to the question "Since You Last Renewed Your License, Have You Had Any License Disciplined By A Government Agency Or Other Disciplinary Body; Or, Have You Been Convicted Of Any Crime In Any State, The USA And Its Territories, Military Court Or A Foreign Country?" on her 2009 and 2011 license renewal applications. The truth is Respondent was disciplined by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah and surrendered her Utah registered nurse license as set forth in paragraphs 10 and 11, above, incorporated herein by reference, and convicted of a crime as set forth in paragraphs 12 and 13, above, incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 590610 issued to Marleice Hyde;
2. Ordering Marleice Hyde to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: March 13, 2012


for LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant